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Letter dated 4 June 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Nauru, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

02-41406 (E) 170602

Annex

Letter dated 31 May 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Nauru to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I have the honour of submitting, on behalf of the Government of the Republic of Nauru, the first national report pursuant to paragraph 6 of Security Council resolution 1373 (2001) of 28 September 2001 (see enclosure).

As noted in paragraph 1.12 of the report, the Republic of Nauru faced some technical difficulties in preparing the report given its lack of capacity. The Government of Nauru would therefore welcome any technical assistance that can be provided by the Counter-Terrorism Committee to help in the updating and improvement of the present report, or in the preparation of future reports on the implementation of resolution 1373 (2001).

(*Signed*) Fredrick W. **Pitcher**
Deputy Permanent Representative
Chargé d'affaires a.i.

Enclosure

Report of the Republic of Nauru to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001)

1. INTRODUCTION

1.1 Nauru is a single Island Nation situated in the Central Pacific some 41 kilometres south of the Equator at O° 32's latitude and 166° 56' E longitude. The total land area is approximately 2,158 hectares of which about 75% has been made uninhabitable by phosphate mining: the remainder consists of a narrow coastal plain where much of the population and infrastructure are situated.

1.2 Nauru is isolated: its nearest contact by air is Tarawa in Kiribati, more than 700 km to the North East. Other neighbours are Majuro, in the Marshall Islands, more than 900 km to the North and the nearest mainland Australia, more than 3,000 km to the South West.

1.3 The population of Nauru is approximately 11,000 of which approximately 9,000 are Nauruans, with the remainder being largely people employed under contract to provide various services to the government and phosphate industry. These people are, principally, other Pacific Islanders from Kiribati and Tuvalu, with some Chinese, Indians and Australians. More than 50% of the population is under the age of 15 years and about 2% are over the age of 65.

1.4 The winding down of the phosphate industry, the country's sole source of foreign revenue, has resulted in serious economic decline — with GDP falling by almost 80% since the 1980s. Successive governments have relied on deficit budgets financed by external borrowings — a practice which has led to a severe reduction in the value of assets that had been accumulated by the Nauru Phosphate Royalties Trust ostensibly for the long-term future of the people.

1.5 Nauru owns and operates a single aircraft airline (a Boeing 737-400) operating between Australia and Nauru twice a week and to Kiribati and Fiji once a week. There are no other regular air services other than a weekly aircraft from Kiribati.

1.6 All of Nauru's food except for a small amount of seafood is imported along with all other goods by air or by sea. Sea freight services are "on demand" and often cargoes are unable to be

unloaded for several weeks due to unfavourable conditions for mooring the ships in the open ocean utilising buoys that provide the only form of anchorage.

1.7 Nauru's telecommunication facilities consist of an earth station, landlines and a cellular service that are in the process of being up-graded.

1.8 Diesel generators provide electricity on Nauru and the petroleum products required to fuel the power station, motor vehicles and the airline are imported in bulk except for lubricants, which are imported in drums.

1.9 The Bank of Nauru is fully owned by the Republic of Nauru and it operates as a central bank as well as a trading bank for the island. It is the only bank operating on Nauru.

1.10 Nauru imposes no income or similar taxes but does impose a small import duty on a small range of goods (primarily alcohol and tobacco). The export of cash from Nauru in excess of AUD5,000 is prohibited except with a licence.

1.11 Nauru became a member of the United Nations on May 1st 1999, 31 years after attaining Independence on 31 January 1968: it is also a member of other international organisations.

1.12 Nauru strongly supports the efforts of the United Nations to combat international terrorism and other forms of criminal activity and is moving towards implementation of its obligations. However its capacity to so is severely limited by a lack of resident personnel experienced and knowledgeable to provide it with advice on many matters connected with its international obligations. Nauru has to utilise the service of legal consultants on ad hoc basis to assist whenever the need arises. The report that follows indicates the position in Nauru at present as required by Resolution 1373 (2001).

2. TREATIES AND OTHER INTERNATIONAL ACTION

2.1 Nauru has, since Independence, acceded to or confirmed that it was bound by a number of treaties and conventions, which had been applied to it while under the Trusteeship of the Commonwealth of Australia.

2.2 Since Independence Nauru has become a party to a number of treaties and conventions including:

- Tokyo Convention on Offences and Other Acts Committed on Aircraft 1963

- Hague Convention for the Unlawful Seizure of Aircraft 1970
- Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation 1971
- Treaty of Rarotonga (1985)
- United Nations Convention on the Rights of the Child
- Convention on the Prohibition for the Stockpiling, Transportation and Use of Chemical Weapons.
- Treaty on Non-Proliferation of Nuclear Weapons (NPT)
- Convention on Hazardous & Toxic Wastes (Waigani Convention)
- Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines
- Comprehensive Test-Ban Treaty (CTBT)
- Rome Statute (International Criminal Court)
- The UN Convention against Transnational Organized Crimes
- Convention for the Suppression of the Financing of Terrorism
- Convention on Prohibitions on the Use of Certain Conventional Weapons Deemed to be Excessively Injurious or to have Indiscriminate Effects and its Protocols
- Convention on the Safety of UN and Associated Personnel

2.3 Since the first decade after Independence, Nauru has not considered it either necessary or desirable to undertake a comprehensive review of its laws as it has been found that there is little tourism or movement in and out of the country of foreign nationals, little demand for the use of its corporation and banking laws and regulations and the general crime scene remains petty with occasional crimes of violence usually resulting from domestic issues.

2.4 Over the past several years Nauru has come to accept that its isolation from world commerce and a very small entry of visitors (whether for business or pleasure) is no guarantee that outside forces will not seek to interfere in various ways in its internal affairs thereby leading to a decision by government to undertake a comprehensive review of all aspects of the legal system from the laws inherited at Independence and still in force to new laws required to meet changing world needs, from the increased use of the internet to new forms of criminal activity — particularly money laundering and terrorism.

2.5 Nauru has, in order to comply with its international obligations, brought within its municipal laws, laws concerning activities connected with civil aviation and money laundering and has a number of laws in place covering a number of areas overlapping those proposed to deal with terrorism.

3. MUNICIPAL LAWS

3.1 Laws of Nauru which directly implement its international obligations to control criminal activity include the following:

Air Navigation Act 1971 and regulations made there under particularly the Air Navigation Regulations 1973. These prohibit the carriage of any form of munitions, explosives and dangerous goods.

Anti Money Laundering Act 2001 prohibits the offence of money laundering which includes such things as the receipt of payment directly or indirectly for the commission of criminal acts and establishes a Financial Institutions Supervising Authority to regulate and supervise persons and organisations involved in a wide range of activities.

Extradition of Fugitive Offenders Act 1973 provides for the extradition from Nauru of persons accused of offences in foreign countries designated by Cabinet. Extradictable offences include murder, manslaughter, kidnapping acts done with intent to endanger a vehicle, vessel or aircraft, offences against laws relating to dangerous drugs or narcotics, hi-jacking aircraft and money laundering.

3.1 Laws of Nauru which have been in place for some time and which generally regulate criminal activity include the following:

Arms and Opium Prohibition Ordinance 1936-1967 prohibiting the sale or possession of any kind of firearm and of opium.

Criminal Code of Queensland applied to Nauru provides for a large measure of prohibition of criminal activity including murder, manslaughter, assaults, threats of violence, possession of explosive dangerous or noxious substances or things. It covers parties who with intent to commit an offence attempt to do so whether or not the intention is carried out or cannot be carried out; or procure or attempt to procure a criminal act or omission. Parties who may be liable include principal offenders, conspirators and other accessories which including persons who finance criminal activity. Liability attaches to offences committed wholly or partly in Nauru, to accessories outside Nauru who

counsel or procure offences in Nauru, and to accessories in Nauru who counsel or procure offences outside of Nauru.

Dangerous Drugs Ordinance 1952-67 prohibits the import export making or disposal of a wide range of dangerous drugs and narcotics

Explosives Ordinance 1924 prohibits the importing or possession of any form of explosive without a permit

Expulsion of Undesirables Ordinance 1961 provides for the expulsion from Nauru by Presidential Order of any non- Nauruan who has been convicted of an offence punishable by imprisonment for one year or more, or whose conduct is likely to be prejudicial to the peace order or good government of Nauru.

Passports Act 1997 controls the issue and entitlement to Nauruan passports.

4. ACTIVITY

4.1 As indicated, the government of Nauru has directed the commencement of a comprehensive review of all of its statute law with a view to ensuring that the framework of its legal system is compatible with its international legal obligations. However work upon the full and specific implementation of Resolution 1373 has been held back pending consideration of the Model Law that is in preparation by a group of experts set up by the Commonwealth Secretariat.

4.2 Until such time as Nauru's legislative program is put into effect the government believes that the country's laws in place are adequate to deal with any threats or unlawful activities likely to be made within or affecting Nauru.

5. CONTACT POINT

5.1 Until further notice the Government of Nauru has designated the Ministry of Foreign Affairs and its Permanent Mission in New York as the national focal points for information or assistance in connection with matters arising under Security Council Resolution 1373.

[May 30, 2002]